IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 19796 of 2007(F)

PETITIONER:

K.B. MURALI, S/O. BHASKARAN,
KANDANGATH HOUSE, KODUNGALLUR TALUK,
CHALINGAD P.O., THRISSUR DISTRICT.

BY ADV. SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN
SMT.C.C.JANCY

RESPONDENTS:

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1. THE KERALA STATE FINANCIAL ENTERPRISES LIMITED (A GOVERNMENT OF KERALA ENTERPRISES), REGISTERED OFFICE BHADRATHA, P.B.NO.510, MUSEUM ROAD, CHEMBUKKAVU, THRISSUR-20, REPRESENTED BY ITS CHAIRMAN.

2. THE BRANCH MANAGER,
THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
BRANCH OFFICE, IRINJALAKUDA.

3. THE DEPUTY COLLECTOR (RR),
KSFE LIMITED, HEAD OFFICE, THRISSUR.

4. THE DISTRICT COLLECTOR (R.R),
COLLECTORATE, THRISSUR.

BY ADV. SRI.M.K.CHANDRAMOHAN DAS, SC, KSFE, LTD
ADV. SMT.M.K.PUSHPALATHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/08/2007, ALONG WITH WPC NO. 22709 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) Nos. 19796 & 22709 of 2007

Dated, this the 17th day of August, 2007

J U D G M E N T

Prayer is only for grant of OTS benefit for settling liability due from petitioner to KSFE. Learned Standing Counsel for KSFE submitted that recovery proceedings should be withheld only if petitioner undertakes to settle the liability under OTS scheme. Learned Standing Counsel also submitted that there is no standard OTS scheme available as of now. However, I feel, petitioner can be granted atleast waiver of penal interest and collection charges, if full payments are made exclusive of penal interest on or before 31/10/2007. The concerned Branch Manager, KSFE, will give a statement of liability exclusive of penal interest for the petitioner to make payment. Petitioner is free to arrange for sale of even mortgaged property and can enter into agreement for sale. However, sale deed will be executed only after arrears to KSFE are cleared and documents released by them. The petitioner has to furnish a letter of undertaking to settle the liability exclusive of penal interest before the KSFE. Petitioner is also directed to produce a copy of the letter of undertaking so submitted and

accepted by the KSFE before the recovery authority, for them to withhold recovery proceedings until 31/10/2007. However, if petitioner does not settle liability, there will be direction to the petitioner to hand over the property free of possession to the 3rd respondent for sale in auction after 31/10/2007, failing which, 3rd respondent will with police assistance dispossess the petitioner and sell the property under attachment immediately following the default. If default is committed, waiver of penal interest granted will stand automatically vacated and recovery will be made by sale of property and in that event collection charges also will be recovered from the petitioner.

These writ petitions are disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg